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OCT 01 2010

OFFICE OF PETITIONS

In re Patent No. 6,505,391
Philippe Berna
Issue Date: January 14, 2003
Application No. 08/580,493
Filed: December 29, 1995
Title: PROCESS FOR MAKING A
VERSATILE CLAMPING DEVICE
DESIGNED TO HOLD OBJECTS
WITHOUT DAMAGING THEM, SUCH A
DEVICE AND ITS USE

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: DECISION ON
: REQUEST FOR RECONSIDERATION
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This is in response to the REQUEST FOR RECONSIDERATION TO THE DECISION OF JANUARY 17, 2008 ON THE RESPONSE TO THE DECISION ON THE PETITION FILED ON JULY 11, 2003 filed March 15, 2008.

This request is **DISMISSED** with respect to making any change in the decision affirming the conclusion that the patent is subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2) and that subject to any disclaimer, the twenty year term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 19 days for examination delay.

This decision affirms the conclusion that this application is not subject to the patent term provisions for applications filed on or before June 8, 1995 pursuant to the URAA because it claims priority to applications filed on or before June 8, 1995. Rather, because this application was filed on December 29, 1995, regardless of the filing of the CPA on August 23, 2001, the application would be subject to the twenty year patent term provisions of 35 U.S.C. 154(a)(2). Moreover, pursuant to the filing of the CPA on August 23, 2001, this application is entitled to the patent term adjustment provisions for examination delay. Pursuant to Sections 1.702 through 1.705, the patent issued with the twenty-year term and a revised patent term adjustment of 19 days for examination delay¹.

¹ It is further noted that as the patent was issued within three years of the filing date of the CPA, no additional "B" delay is warranted pursuant to the recent decision in *Wyeth v. Kappos*.

Patentee's arguments with respect to there being an implied contract are beyond the scope of authority of the undersigned. In other words, on petition, the undersigned does not make any determinations as to whether an implied contract between patentee and the United States exists.

Any request for reconsideration must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f). Any further decision will be made final.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
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By fax: (571) 273-8300
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Telephone inquiries with regard to this communication should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
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